



Minnesota Pollution
Control Agency

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate
Storm Sewer System (MS4) Permit MNR040000
reissued with an effective date of August 1, 2013
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

Submittal: This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: Houston County *County: Houston
(city, county, municipality, government agency or other entity)
*Mailing address: 304 South Marshall St
*City: Caledonia *State: MN *Zip code: 55921
*Phone (including area code): (507) 725-3925 *E-mail: brian.pogodzinski@co.houston.mn.us

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Pogodzinski *First name: Brian
(department head, MS4 coordinator, consultant, etc.)
*Title: County Engineer
*Mailing address: 1124 East Washington St
*City: Caledonia *State: MN *Zip code: 55921
*Phone (including area code): (507) 725-3925 *E-mail: brian.pogodzinski@co.houston.mn.us

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Scanlan First name: Bob
(department head, MS4 coordinator, consultant, etc.)
Title: Planning & Zoning Director
Mailing address: 304 S. Marshall St
City: Caledonia State: MN Zip code: 55921
Phone (including area code): (507) 725-5800 E-mail: bob.scanlan@co.houston.mn.us

Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

Certification (All fields are required)

- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Brian K. Pogodzinski
(This document has been electronically signed)

Title: Houston County Engineer Date (mm/dd/yyyy): 01/17/2014

Mailing address: 1124 E. Washington St

City: Caledonia State: MN Zip code: 55921

Phone (including area code): (507) 725-3925 E-mail: Brian.Pogodzinski@co.houston.mn.us

Note: The application will not be
processed without certification.

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☐ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
City of La Crescent	
Joint annual meeting for public input on both of our SWPPPs and SWPPP documents. We also contract with the City to provide street sweeping.	MCM2, 4 & 5
La Crescent Township	MCM4

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships*.

Houston County's MS4 area is fully contained within the City of La Crescent and La Crescent Township's MS4 area. Being that each entity has their own zoning authority, Houston County's jurisdictional authorities are limited in the area and enforcement actions taken within the area is done after communication and coordination with the jurisdictional agency.

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☐ Yes ☒ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☐ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

[http://www.amlegal.com/nxt/gateway.dll/Minnesota/crescent/cityoflacrescentmncodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:lacrescent_mn](http://www.amlegal.com/nxt/gateway.dll/Minnesota/crescent/cityoflacrescentmncodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:lacrescent_mn) TitleV, Chapter 53

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

Policies & Standards: All areas discharging into the Houston County MS4 area is contained within the City of La Crescent and La Crescent Township MS4 areas, which have requirements in place that do not allow discharge from their MS4 areas. Houston County has a draft "Illicit Discharge and Connection" ordinance that is being reviewed by the Planning Commission. After the Planning Commission recommends their revisions, a public hearing will be held, the ordinance will be revised as appropriate and recommended for approval, and the County Board will review and approve the ordinance. In addition to Houston County being in the process of updating their ordinances, the City of La Crescent has adopted an Illicit Discharge and Connection ordinance that applies as the Houston County MS4 area is within the City. A link to the City of La Crescent's ordinance is provided above.

Permitting: Houston County will review and update the utility, work in the right-of-way, and entrance permits which govern construction to meet the effective regulatory mechanism standards.

Contracts: Houston County will include the latest version of the Minnesota Department of Transportation Standard Specifications for Construction language into County contracts for work within the ROW. These Specifications contain erosion control and discharge standards.

Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☐ Yes ☒ No

1. If **yes**:

- a. Check which type of regulatory mechanism(s) your organization has (check all that apply):

☐ Ordinance ☒ Contract language
☒ Policy/Standards ☒ Permits
☐ Rules

☒ Other, explain: City of La Crescent and La Crescent Township's ordinances apply, County also has controls, but has limited jurisdictional controls within the MS4 regulated area.

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

[http://www.amlegal.com/nxt/gateway.dll/Minnesota/crescent/cityoflacrescentmncodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:lacrescent_mn](http://www.amlegal.com/nxt/gateway.dll/Minnesota/crescent/cityoflacrescentmncodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:lacrescent_mn) Title XV, Chapter 155

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg.*

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☒ Yes ☐ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

Houston County requires permits to be issued when any work is performed within Houston County's MS4 regulated area. The County's ordinance will be updated within the next 12 months requiring that all construction sites in each jurisdiction must follow that jurisdiction's relevant rules.

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- | | |
|---|---|
| 1. Best Management Practices (BMPs) to minimize erosion. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. BMPs for dewatering activities. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Site inspections and records of rainfall events | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

5. BMP maintenance ☒ Yes ☐ No
6. Management of solid and hazardous wastes on each project site. ☒ Yes ☐ No
7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. ☒ Yes ☐ No
8. Criteria for the use of temporary sediment basins. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

Policies & Standards: All construction sites within the Houston County MS4 area is contained within the City of La Crescent and La Crescent Township MS4 areas, which have requirements in place for construction sites. Houston County has construction site stormwater runoff control requirements as well, but they are trumped by the City and Township requirements. A link to the City of La Crescent's ordinance is provided above.

Contracts: Houston County will include the latest version of the Minnesota Department of Transportation Standard Specifications for Construction language into County contracts for work within the ROW. These Specifications contain erosion control and construction site stormwater runoff control standards.

Post-construction stormwater management

- A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities?

☐ Yes ☒ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☐ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules

☒ Other, explain: City of La Crescent and La Crescent Township's ordinances apply

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

[http://www.amlegal.com/nxt/gateway.dll/Minnesota/crescent/cityoflacrescentmncodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:lacrescent_mn TitleXV](http://www.amlegal.com/nxt/gateway.dll/Minnesota/crescent/cityoflacrescentmncodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:lacrescent_mn TitleXV)

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_PostCSWreg*.

- B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No
2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):
- a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☒ Yes ☐ No
- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
- 2) Stormwater discharges of Total Suspended Solids (TSS).
- 3) Stormwater discharges of Total Phosphorus (TP).
- b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☒ Yes ☐ No
- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).

- 2) Stormwater discharges of TSS.
 - 3) Stormwater discharges of TP.
3. **Stormwater management limitations and exceptions:**
- a. Limitations
 - 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas:

☒ Yes ☐ No

 - a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - b) Where vehicle fueling and maintenance occur.
 - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
 - 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas:

☒ Yes ☐ No

 - a) With predominately Hydrologic Soil Group D (clay) soils.
 - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
 - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
 - d) Where soil infiltration rates are more than 8.3 inches per hour.
 - 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process.

☒ Yes ☐ No
4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference:

☒ Yes ☐ No

 - 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
 - 3) Locations in the next adjacent DNR catchment area up-stream
 - 4) Locations anywhere within the permittee's jurisdiction.
 - b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.

☒ Yes ☐ No
 - c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part.

☒ Yes ☐ No
 - d. Mitigation projects shall be completed within 24 months after the start of the original construction activity.

☒ Yes ☐ No
 - e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part.

☒ Yes ☐ No
 - f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e).

☒ Yes ☐ No
5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and

that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:

- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☒ Yes ☐ No
- b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☒ Yes ☐ No
- c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

Policies & Standards: All construction sites within the Houston County MS4 area is contained within the City of La Crescent and La Crescent Township MS4 areas, which have requirements in place for construction sites. Houston County has stormwater management requirements as well, but they are trumped by the City and Township requirements. A link to the City of La Crescent's ordinance is provided above. Houston County requires permits to be issued when any work is performed within Houston County's MS4 regulated area. The County's ordinance will be updated within the next 12 months requiring that all construction sites in each jurisdiction must follow that jurisdiction's relevant rules.

Contracts: Houston County will include the latest version of the Minnesota Department of Transportation Standard Specifications for Construction language into County contracts for work within the ROW.

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No

1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs*.
2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:

Houston County has enforcement response procedures in place for when enforcement is required within areas where the County has enforcement jurisdiction. However, the regulating agency within the Houston County MS4 area is often the Township and/or City of La Crescent. Houston County will review and update the ERPs within the next 12 months to better coordinate the efforts between the County, City, and Township.

- B. Describe your ERPs:

Illicit Discharges: Upon identifying an illicit discharge, the Houston County MS4 zoning department will be notified of the finding. The zoning department will gather evidence of the illicit discharge, determine any corrective actions necessary, and provide enforcement in conjunction with the applicable City/Township agency.

Permits: Houston County Dept. of Transportation staff will inspect project sites during and after construction as needed based on site conditions. The permittee's failure to comply with the permit may result in enforcement actions being taken by the County DOT, zoning office, or other applicable City/Township agency.

Construction in County ROW: Houston County Dept. of Transportation staff will inspect project sites during and after construction as needed based on site conditions. The permittee's failure to comply with the permit may result in enforcement actions being taken by the County DOT, zoning office, or other applicable City/Township agency.

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

- A. Describe how you manage your storm sewer system map and inventory:

Houston County has an Autocad file containing the storm water system map and inventory within the MS4 area. This map is updated when the system changes. The Dept. of Transportation staff inspects a minimum of 20% of the storm

sewer system annually and records the condition of the structures inspected. Based on the results of the inspections, repairs and/or maintenance activities are scheduled and completed.

When new storm sewer system structures are added to the Houston County system, the County surveys the structures, adds them to the inventory map, and begins performing inspections to comply with current MS4 regulations.

- B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☒ Yes ☐ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☒ Yes ☐ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☒ Yes ☐ No
4. All receiving waters. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

- C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172, Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☒ Yes ☐ No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☒ Yes ☐ No

- D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. ☒ Yes ☐ No
2. A geographic coordinate. ☒ Yes ☐ No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☒ Yes ☐ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

There are no ponds, lakes, or wetlands within the permittee's jurisdictional area, therefore the answers above could be considered N/A and no inventory form submittal is necessary

- E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4>, according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere_inventory*. ☐ Yes ☒ No

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

The current education program consists of providing brochures, newsletters, and newspaper articles to residents through the use of the Houston County website, local media, education for students, and water planning meetings.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Website	Houston County has a website containing our SWPPP, educational resources, and links. We will have our website track hits and check the content to determine if updates are needed on a monthly basis.
Classroom Presentations	Houston County's Root River Soil & Water Conservation District has an annual environmental day with all 6 th grade students in the county. We will continue to have this field day and continue including water resources as part of the agenda
Water Planning Meetings	Houston County participates in a multi-agency monthly meeting for water planning measures within the County. We will continue to participate in the planning meetings.
Program evaluation	Consider information from citizen feedback related to all aspects of our SWPPP to determine educational needs on a yearly basis.
Local Media	Houston County and the Root River Soil & Water Conservation District provide articles to the media for publishing in the local newspapers.
BMP categories to be implemented	Measurable goals and timeframes

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Bob Scanlan, Planning & Zoning Director

B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

The current program consists of participating in a multi-agency public meeting in the spring of each year. The agencies involved typically consists of Houston County and the City of La Crescent and the meeting is held within the MS4 area at a La Crescent City Council meeting. The meeting allows an additional opportunity for the public to be heard on our Stormwater Pollution Prevention Program. This meeting takes place in the spring and gets published in the newspaper prior to the meeting.

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Annual Public Meeting	Hold a meeting each spring. Have at least 5 attended at annual meeting.
Appropriate public notice	Place notices in the local newspaper and at the City Hall prior to the meeting in accordance with State public meeting laws.
Availability of Stormwater Pollution Prevention	Provide a copy of the SWPPP on the website for viewing at any

Program document	point throughout the year.
Classroom Presentations	During the annual environmental day, students have the opportunity to ask questions and make recommendations on how to improve the water quality in the area
BMP categories to be implemented	Measurable goals and timeframes
Coordination Meeting	The County will host a joint meeting with the City, Township, and other interested stakeholders to discuss the stormwater management program and the next year's activities.

3. Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Brian Pogodzinski, County Engineer

C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

Upon identifying an illicit discharge, the Houston County zoning department will be notified of the finding. The zoning department will gather evidence of the illicit discharge, determine any corrective actions necessary, and provide enforcement in conjunction with the applicable City/Township agency.

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- | | |
|---|---|
| a. Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| b. Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| e. Procedures for the timely response to known, suspected, and reported illicit discharges. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| f. Procedures for investigating, locating, and eliminating the source of illicit discharges. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The County Zoning Department will arrange to meet with the Highway Department staff for training in illicit discharge recognition, reporting, identification of inspection priority areas, and timely response procedures. This training will take place for each individual assigned to the MS4 area.

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Review and revise the ordinance yearly to ensure that it continues to meet the needs of the County and legal requirements.
Inspections	County employees are on the lookout for illicit discharges while they perform their normal duties and inspections occur when we receive reports of an illicit discharge. Inspect all stormwater discharge structures on an annual basis.
Training	County employees participate in training for spotting and handling illicit discharges on a regular basis. The County Engineer has been trained for Industrial stormwater management and all other County engineering staff, including the County Engineer, are trained and certified in the Design of Construction SWPPP, Construction Site Management, and Construction Installer/Inspector. Training will continue in these areas to maintain certifications, which averages to be one class per employee certified per year.
Respond as needed to repairs/replacements	County will respond to and repair/replace infrastructure as needed
BMP categories to be implemented	Measurable goals and timeframes
Training	Train all employees responsible for inspection and/or maintenance within the MS4 area prior to the start of construction season

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☐ Yes ☒ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

The Houston County zoning department will create a spreadsheet that will contain the date, time, and location of any reported illicit discharges or connection. Each entry will have a description of the discharge.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Bob Scanlan, Planning & Zoning Director

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

All construction sites that disturb over 1 acre of land are required to have a NPDES permit. Houston County requires

review of construction site erosion and sediment control plans before a project begins. We partner with the Root River Soil & Water District, City of La Crescent, and La Crescent Township for construction site inspections.

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):
 - a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☒ Yes ☐ No
 - b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? ☒ Yes ☐ No
 - c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☒ Yes ☐ No
 - d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
 - 1) Does your program include procedures for identifying priority sites for inspection? ☒ Yes ☐ No
 - 2) Does your program identify a frequency at which you will conduct construction site inspections? ☒ Yes ☐ No
 - 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☒ Yes ☐ No
 - 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☒ Yes ☐ No
 - e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☒ Yes ☐ No
 - f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No
 - g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Permit application system	Process all applications within 30 days
Inspections	Conduct inspections at 50% of permitted sites annually, Inspections occur every week and after 0.5" rainfalls during the growing season
Ordinance	The county currently has on the records an erosion and sediment control ordinance
BMP categories to be implemented	Measurable goals and timeframes
Checklist for Site Plan review	Update procedures for site plan review on an annual basis and incorporate into checklist
Prioritize inspections	Ensure at least 10% of inspections conducted annually are performed at deemed high priority inspection sites (e.g., near sensitive receiving waters, projects larger than 5 acres)

- Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Bob Scanlan, Planning & Zoning Director

E. MCM 5: Post-construction stormwater management

- The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

Houston County has a post-construction stormwater management ordinance to encourage the utilization of BMPs for stormwater runoff from new and redevelopment projects, as well as to ensure the maintenance and operation of the stormwater BMPs.

- Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☒ Yes ☐ No
- Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
 - Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☒ Yes ☐ No
 - All supporting documentation associated with mitigation projects that you authorize? ☒ Yes ☐ No
 - Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☒ Yes ☐ No
 - All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

Houston County owns the stormwater infrastructure within the portions of the SM4 area under County jurisdiction (County R/W). All non-county work within the R/W is only allowed through a permitting process.

- List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Inspections to verify proper maintenance of stormwater BMPs	Annual inspections of 20% of County-owned BMPs
Encourage the use of structural and non-structural BMPs during review of new and redevelopment projects.	Speak to all permit applicants about stormwater BMPs used to capture pollutants prior to discharging to nearby waters.
Ordinance regulating new and redevelopment projects	Evaluate permits for how well they meet or exceed requirements ; 90% of the building permits will include descriptions and plans regarding stormwater control practices and site designs that comply with regulations.
BMP categories to be implemented	Measurable goals and timeframes
Update ordinance to meet new permit requirements	Within 12 months of extension of permit coverage, revise ordinances to meet permit requirements.
Develop written procedures for site plan review	Within 12 months of extension of permit coverage, develop site plan review procedures that must be completed prior to the start of construction activity.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Bob Scanlan, Planning & Zoning Director

F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

Houston County currently does not own any structural pollution control devices and inspects all of its outfalls, sediment basins, and ponds each year. The County has the City sweep debris, leaves, and sediment from the streets as needed throughout the year. Staff is trained on various topics related to pollution prevention during construction and maintenance activities.

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☒ Yes ☐ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:
4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Street Sweeping	Once a year after leaf drop and in the spring to remove sediments from roadway
New employee training program	As part of the training for all new employees, both temporary and permanent, proper methods for handling and storing materials and for spotting and correcting potential problems.
Facility inventory	Maintain a current inventory of facilities. Update facility inventory as necessary.
BMP categories to be implemented	Measurable goals and timeframes
Internal training program	Conduct annual refresher training for staff on materials used in their daily activities.

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☐ Yes ☒ No
- a. If **no**, continue to 6.
- b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:

- 1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☐ Yes ☐ No
- 2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☐ Yes ☐ No
- c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☐ Yes ☐ No
6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No
7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☒ Yes ☐ No
8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:
- a. Addresses the importance of protecting water quality? ☒ Yes ☐ No
- b. Covers the requirements of the permit relevant to the duties of the employee? ☒ Yes ☐ No
- c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☒ Yes ☐ No
9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

Houston County does not have any permittee owned/operated ponds within the MS4 area and therefore has not developed procedures for these non-existent structures.

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Bob Scanlan, Planning & Zoning Director

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☐ Yes ☒ No
1. If **no**, continue to section VII.
2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No
1. If **no**, this section requires no further information.
2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VIII. Add any Additional Comments to Describe Your Program

Houston County is unique in that it's MS4 area is fully encompassed within the City of La Crescent and La Crescent Township MS4 areas. Since each LGU has their own zoning ordinances and regulations, the County has limited enforcement powers

within the area. Therefore, the County works closely with the City and Township to address zoning and stormwater issues within the area.

ORDINANCE NO. 479

CITY OF LA CRESCENT, MN

ILLICIT DISCHARGE AND CONNECTION

AN ORDINANCE providing for regulation of non-storm water discharge within the City of La Crescent. The City Council of La Crescent ordains as follows:

SECTION 1. PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of La Crescent through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system; and
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person, means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes

and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 3. APPLICABILITY.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

The City of La Crescent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

SECTION 5. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 7. DISCHARGE PROHIBITIONS.

Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
- (b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 8. SUSPENSION OF MS4 ACCESS.

Suspension due to Illicit Discharges in Emergency Situations

The City of La Crescent may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of La Crescent prior to the allowing of discharges to the MS4.

SECTION 10. MONITORING OF DISCHARGES.

A. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

- (a) The City of La Crescent shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (b) Facility operators shall allow the City of La Crescent ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (c) The City of La Crescent shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- (d) The City of La Crescent has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of La Crescent and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the City of La Crescent access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (g) If the City of La Crescent has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The City of La Crescent will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit

SECTION 12. WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 13. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of La Crescent within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 14. ENFORCEMENT.

A. Notice of Violation.

Whenever the City of La Crescent finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION 15. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within five (5) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

SECTION 16. ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within five (5) days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any

premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 17. COST OF ABATEMENT OF THE VIOLATION.

Within days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within five (5) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the judgment rate per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

SECTION 18. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 19. COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 20. VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 21. CRIMINAL PROSECUTION.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000.00 per violation per day and/or imprisonment for a period of time not to exceed ninety (90) days. Violations of this Ordinance shall be considered a misdemeanor level offense.

The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION 22. REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 23. ADOPTION OF ORDINANCE.

This ordinance becomes effective on the date of publication, or upon the publication of the summary of the ordinance as provided by Minn. Stat. § 412.191(4).

Passed and enacted by the City Council of La Crescent on this 26th day of November, 2012.

SIGNED:



Mayor

ATTEST:



City Administrator

ORDINANCE NO. 452

AN ORDINANCE OF THE CITY OF LA CRESCENT RESTATING, SUPPLEMENTING AND AMENDING THE STORM WATER AND EROSION CONTROL ORDINANCE AND AMENDING THE CITY OF LA CRESCENT CODE

The City Council of the City of La Crescent, Houston County, Minnesota,
hereby ordains:

SECTION I. The Storm Water and Erosion Control Ordinance of the City
is here restated in relevant part with amendments thereto with respect to
definitions and amending, appending certain procedural and substantive
regulation.

SECTION II. The entire text of the Storm Water and Erosion Control
Ordinance here enacted and the subject matter of this ordinance is incorporated
hereat verbatim, including the restated provisions and amendments, eliminated
portions lined-out, supplemental amendment provisions underscored,:

12.185 STORM WATER POLLUTION AND EROSION CONTROL

1. Purpose. The purpose of this ordinance is to use to the fullest current
understanding of good design, architecture, landscape architecture and
civil engineering to reduce the discharge of pollutants from the
stormwater system to the Maximum Extent Possible (MEP) to protect
water quality, and satisfy the appropriate water quality treatments of the
Clean Water Act. The SWPPP consists of a combination of Best
Management Practices (BMPs) including ediation, maintenance, control
techniques, system design and engineering methods the City deems
appropriate, as long as the BMPs meet the requirements of the Stormwater
Pollution Prevention Plan (SWPPP).

This ordinance establishes standards and specifications for conservation
practices, planning activities, and construction activities which minimize
storm water pollution, soil erosion, and sedimentation. It protects public
health and property while encouraging retention of natural topographic
features and existing vegetation and encouraging alternative approaches
to conventional flatland development practices on steep slopes including
imaginative and innovative techniques suited to the natural surroundings
to enhance the existing and future appearances of hillsides.

2. Scope. Except where a variance is granted, any person, firm, sole

proprietorship, partnership, corporation, State agency, or political subdivision proposing a land disturbance activity within the City shall apply to the City for the approval of the storm water pollution control plan. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth herein.

3. Definitions. These definitions apply to this ordinance. Unless specifically defined below, the words or phrases used in this ordinance shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "must" are always mandatory and not merely directive.

Applicant: Any person or group that applies for a building permit, subdivision approval, or a permit to allow land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's or group's direction. The term "applicant" also refers to the permit holder or holders and the permit holder's agents, employees, and others acting under this person's or group's direction.

Average Slope: Average slope shall be determined by use of the following formula: $S = 0.0023 \times I \times L \div A$

S = average slope (%)

.0023 = conversion factor (square feet to acres)

I = contour interval (distance between adjacent contour lines on a map)
in feet

(not to exceed 10 feet)

L = the total length of the contour lines within the subject parcel

A = the area in acres of the subject parcel.

Slopes exceeding thirty-five (35) percent shall be excluded from lot area computations.

Best Management Practices (BMPs): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by State or designated area-wide planning agencies. (Examples of BMPs can be found in the current versions of the Minnesota Pollution Control Agency's publications:

- "Protecting Water Quality in Urban Areas" and "Storm Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm Water and a Snow Melt Runoff on Wetlands"
- The Metropolitan Council's "Minnesota Urban Small Sites BMP Manual" (available as a compact disk or on the Internet world wide web under the address:
www.metrocouncil.org/environment/environment.htm)
- The United States Environmental Protection Agency's "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices" (as a reference for BMPs)
- The Minnesota Department of Transportation's "Erosion Control Design Manual."

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the governing body. All bonds shall be approved by the governing body wherever a bond is required by these regulations.

Buffer: A protective vegetated zone located adjacent to a natural resource, such as a water of the State, that is subject to direct or indirect human alteration. Such a buffer strip is an integral part of protecting an aquatic ecosystem through trapping sheet erosion, filtering pollutants, reducing channel erosion and providing adjacent habitat. The buffer strip begins at the "ordinary high water mark" for wetlands and the top of the bank of the channel for rivers and streams. This start point corresponds to the Minnesota Department of Natural Resources' definition of a "shoreline" in Minnesota Rules 6115.0030. Therefore a stream with a width of thirty (30) feet between banks and one hundred (100) foot buffer strips has a total protected width of two hundred thirty (230) feet. Acceptable buffer vegetation includes preserving existing pre-development vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation. Alteration of buffers is strictly limited. Buffer areas are designated with permanent markers.

Building Pad: A building pad is the area on a lot within which the principal building will be constructed.

Certificate of Occupancy: A certificate issued by the Building Official after final inspection when it is found that the building and project complies with the provisions of the State Building Code, the City Code, and other laws which are enforced by the City. No building shall be

occupied until the Building Official has issued a Certificate of Occupancy, or a temporary certificate when warranted.

City: The City Council or its authorized representative charged with the administration and enforcement of this Ordinance or their regularly authorized deputy.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.

Cribbing: The use of timbers in such a fashion so as to lend support to soil, to direct runoff or to prevent erosion.

Developer: Any person, group, firm, corporation, sole proprietorship, partnership, State agency, or political subdivision thereof engaged in a land disturbance activity.

Development: Any land disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.

Discharge: The release, conveyance, channeling, runoff, or drainage, of storm water, including snow melt, from a construction site.

Energy Dissipation: This refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to, aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

Erosion: Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion Control: Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Erosion and Sediment Practice Specifications or Practice: The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the State, County, City,

or local watershed group, whichever is more stringent.

Escrow: Cash invested in the name of the City in a financial institution for the benefit of the City and the depositor.

Exposed Soil Areas: All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection. Once soil is exposed, it is considered "exposed soil" until it meets the definition of "final stabilization."

Filter Strips: A vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

Final Stabilization: All soil disturbing activities at the site have been completed, and that a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of seventy-five (75) percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization. Where agricultural land is involved, such as when pipelines are built on crop or range land, final stabilization constitutes returning the land to its pre-construction agricultural use. (Examples of vegetative cover practices can be found in the current version of the Minnesota Department of Transportation's publication "Supplemental Specifications to the 1994 Standard Specifications for Construction.")

Grade: The vertical location of the ground. Existing grade is the grade prior to grading. Rough grade is the stage at which grade approximately conforms to the approved plan. Finish grade is the final grade of the site which conforms to the approved plan.

Grading Permit: A permit required to complete land disturbance activities.

Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the

surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Land Disturbance Activity: Any land change that may result in the alteration of existing surface drainage patterns or soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including construction, clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:

- A. Minor land disturbance activities that do not alter existing surface drainage patterns such as home gardens and an individual's home landscaping, repairs, and maintenance work.
- B. Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.
- C. Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible.

Native Vegetation: The pre-settlement (already existing in Minnesota at the time of statehood in 1858) group of plant species native to the local region, that were not introduced as a result of European settlement or subsequent human introduction.

Natural and Undisturbed State: No cut or fill work shall be done. The only acceptable use would be for conservation and recreation and then only if significant topological change and vegetation removal is not required.

Paved Surface: A constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.

Permanent Cover: Final stabilization. Examples include grass, gravel, asphalt, and concrete. See also "Final Stabilization."

Permit: Within the context of this a rule, a permit is a written warrant or license granted for construction, subdivision approval, or to allow land disturbing activities.

Phased Project or Development: Clearing a parcel of land in distinct phases, with at least seventy-five (75) percent of the project's preceding phase meeting the definition of "final stabilization" and the remainder proceeding toward completion, before beginning the next phase of clearing.

Registered Professionals: A registered professional civil engineer, soils engineer, geologist, landscape architect, or other registered professional with experience and knowledge in the application of principles required to comply with this Ordinance.

Rip Rap: The use of stones, rocks or other loose objects placed in such a fashion so as to lend support to the soil and/or to protect against runoff and erosion.

Runoff Coefficient: The fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls, that will appear at the conveyance as runoff. This coefficient is usually estimated for an event or on an average annual basis.

Runoff Rate: The rate of flow running over the surface of a site after the soil has reached saturated conditions, measured in units of volume versus time.

Sediment: The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth's surface either above or below water level.

Sedimentation: The process or action of depositing sediment.

Sediment Control: The methods employed to prevent sediment from leaving the development site. Examples of sediment control practices are silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Significant Redevelopment: Alterations of a property that changes the "footprint" of a site or building in such a way that results in the

disturbance of over one (1) acres of land. This term is not intended to include activities, which would not be expected to cause adverse storm water quality impacts and offer no new opportunity for storm water controls, such as exterior remodeling.

Slope: The inclination of the ground surface measured and expressed as a ratio of horizontal distance to vertical distance.

Soil: The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this document, temporary stockpiles of clean sand, gravel, aggregate, concrete or bituminous materials (which have less stringent protection) are not considered "soil" stockpiles.

Special Assessment: A cost levied by the City against a property for the purposes of recovering costs incurred by the City.

Stabilized: The exposed ground surface after it has been covered by sod, erosion control blanket, rip rap, pavement or other material that prevents erosion. Simply sowing grass seed is not considered stabilization.

Steep Slope: Any slope steeper than ten (10) percent (ten [10] feet of rise for every one hundred [100] feet horizontal run).

Storm Water: Under Minnesota Rule 7077.0105, subpart 41b storm water means "precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage." (According to the Code of Federal Regulations [CFR] under 40 CFR 122.26[b][13] "Storm water means storm water runoff, snow melt runoff and surface and drainage.") Storm water does not include construction site dewatering.

Storm Water Pollution Control Plan: A joint storm water and erosion and sediment control plan that is a document containing the requirements of Section 4, that when implemented will decrease soil erosion on a parcel of land and off site non-point pollution. It involves both temporary and permanent controls.

Structure: Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

Subdivision: Any tract of land divided into building lots for private, public, commercial, industrial, etc. development. Minnesota Rule

6120.2500, subpart 17 defines subdivision as "land that is divided for the purpose of sale, rent, or lease, including planned unit development."

Substantial Building Permit: A building permit for an improvement which involves land disturbing activities. This shall not include activities such as roofing, siding, windows or similar activities.

Temporary Protection: Short term methods employed to prevent erosion. Examples of such protection are straw, mulch, erosion control blankets, wood chips, and erosion netting.

Terrace: A relatively level step or bench constructed in the face of a sloped surface for drainage and maintenance purposes.

Urban: Of, relating, characteristic of, constituting a City.

Vegetated or Grassy Swale: A vegetated earthen channel that conveys storm water, while treating the storm water by biofiltration. Such swales remove pollutants by both filtration and infiltration.

Very Steep Slope: Any slope steeper than one (1) foot of rise for each three (3) feet of horizontal run (thirty-five [35] percent slope).

Wet Detention Facility: A permanent man-made structure, containing a permanent pool of water, used for the temporary storage of runoff.

Wet Retention Facility: See wet detention facility.

4. Storm Water Pollution Control Plan and the Grading Plan. Every applicant for a substantial building permit, subdivision approval, or a permit to allow land-disturbing activities involving disturbing twenty thousand (20,000) cubic feet of land or more must submit a storm water pollution control plan and a grading plan to the City Engineer. No substantial building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until the City approves these plans. At a minimum, the pollution abatement control practices proposed must conform to National Pollution Discharge Elimination Permit (NPDES) requirements, the filing or approval requirements of relevant Watershed Districts, Water Management Organizations, Ditch Authorities, Soil and Water Conservation Districts or other regulatory bodies in addition to those in the current version of the Minnesota Pollution Control Agency's publication "Protecting Water Quality in Urban Areas" and the most current version of the "Minnesota Storm Water Manual."

A. General Policy on Storm Water Runoff Rates.

- 1) Release rates from storm water treatment basins shall not increase over the pre-development twenty-four (24) hour two (2) year, ten (10) year and 100-year peak storm discharge rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity. For discharges to wetlands volume control is generally more important than discharge rate control.
- 2) Storm sewers shall be designed for the ten (10) year frequency storm, and a safe overflow elevation shall be provided for the 100- year frequency storm. The minimum storm sewer pipe is twelve (12) inches.
- 3) Drainage channels shall be designed to maintain the 25-year frequency storm within the graded portion of the channel and the 100-year frequency storm within the channel easement.

B. Maximum Impervious Area. The percentage of lot area covered by impervious surface shall be no more than the following in the average slope range specified:

10 - 15% slope	32% lot area impervious coverage
16 - 20% slope	25% lot area impervious coverage
21 - 25% slope	18% lot area impervious coverage
26 - 30% slope	10% lot area impervious coverage
31 - 35% slope	5% lot area impervious coverage

An exception may be made to these coverage limits where it is shown that the runoff rate from the lot is controlled in a manner which mitigates the effect of covering the lot with impervious surface, or where individual lot runoff is controlled at the subdivision level and no damage is likely to be incurred by adjacent properties. In no case shall lot coverage by buildings

exceed that limit set forth in other parts of the City Code. Slopes exceeding thirty-five (35) percent shall be excluded from lot area computations.

- C. Maximum Disturbed Area. No more than three (3) times the allowable impervious area may be disturbed in areas where average slopes exceed ten (10) percent required by the City Engineer.
- D. The Storm Water Pollution Control Plan and the Grading Plan. The storm water pollution control plan's measures, the area to be retained in the natural and undisturbed state and the location of buffer areas shall be marked on the approved grading plan, and identified with flags, stakes, signs, etc. on the development site before work begins. No land shall be disturbed or permits issued until these slope stakes are accepted in writing by the City of La Crescent. Slope stakes shall remain in place until all disturbed areas on the lot or plat have been permanently stabilized.
- E. Inspections of the Storm Water Pollution Control Plan's Measures. At a minimum, such inspections shall be done weekly by either the City, developer or the developer's designated representative, and within twenty-four (24) hours after every storm or snow melt event large enough to result in runoff from the site (approximately .25 inches or more in 24 hours). At a minimum, these inspections shall be done during active construction.
- F. Minimum Requirements of the Storm Water Pollution Control Plan. The plan shall contain or consider:

Requirement	Multi Lot Development	Single Lot Development
1. Name and address of applicant	Yes	Yes
2. Location of Project	Yes	Yes
3. Name and address of person(s) responsible for maintaining erosion and runoff measures	Yes	Yes
4. Project description: nature and purpose of land disturbing activity and amount of grading, filling, utility work and building construction	Yes	Yes
5. Construction phasing: Time frames and schedules of various project activities	Yes	No
6. Map of existing site conditions: topography, property information, slopes twelve (12) percent	Yes	Yes

or more over a distance of fifty (50) feet or more, bluff areas where the slope rises at least twenty five (25) feet above the toe of the bluff and grade of slope from toes of bluff to point twenty five (25) feet or more above the toe of bluff averages thirty (30) percent or greater, existing drainage systems/patterns, soil type, waterways, wetlands, vegetative cover, buffer strips and floodplain locations		
Requirement	Multi Lot Development	Single Lot Development
7. Site construction plan: location of proposed land disturbing activities, stock pile locations, erosion and sediment control plans, and construction schedule	Yes	Yes
8. Maintenance and inspection plan for storm water pollution and erosion control measures	Yes	No
9. Adjacent streams, rivers, residential areas, roads, etc. that might be affected by the land disturbing activity	Yes	No
10. Areas of the site potentially subject to serious erosion problems	Yes	No
11. Erosion and sediment control measures: proposed methods to be used to control erosion and sedimentation during and after the construction process	Yes	Yes
12. Permanent stabilization: how the site will be stabilized after construction is completed, including specifications, timeframes, or schedules	Yes	No
13. Design calculations: calculations made to determine the design of temporary and permanent sediment ponds, wet detention basins, diversions, waterways, infiltration zones, and other applicable practices	Yes	No

G. Minimum Requirements of the Grading Plan. The proposed grading plan shall contain the following information:

Information	Multi Lot Development	Single Lot Development
1. Name and address of applicant	Yes	Yes
2. Location of Project	Yes	Yes

3. Final plan signed by registered professional	Yes	No
4. Plan drawn at 1 inch = 40 feet or larger scale with a north arrow shown	Yes	Yes
5. Property limits are shown and all streets are labeled	Yes	Yes
6. Existing and proposed contours shown at two foot intervals	Yes	Yes
7. Lot and block information shown if property is platted; street address shown if not platted	Yes	No
8. Area and dimensions of all lots	Yes	Yes
9. Existing public and private utilities	Yes	Yes
10. Drainage arrows indicating direction of surface drainage	Yes	Yes
11. Areas of each lot that exceed 10% and 35% slopes should be clearly labeled	Yes	Yes
12. Slope stakes at the 20 foot offset to the 35% slope identifying land to be left in the natural undisturbed state	Yes	Yes
13. Proposed structures by type, building pads, paved areas, and utilities; all landscaping, walls, cribbing, rip rap, dams, terraces, or other structures needed for slope protection and runoff control	Yes	Yes ¹
Information	Multi Lot Development	Single Lot Development
14. Location and design of temporary and permanent sedimentation ponds	Yes	No
15. Location of all proposed silt fences	Yes	Yes
16. Amount of impervious surface and total disturbed area on each lot	Yes	No
17. Proposed elevation of the top of foundation of the principal structures on all lots	Yes	Yes
18. All proposed lot corner elevations	Yes	Yes
19. Location of all wetlands	Yes	No
20. Location, size and type of trees to be removed and new trees to be planted	Yes	Yes ²
21. Percent of slope shown for streets and drainage swales	Yes	Yes ³

1 Proposed structures, paved areas, walls, and terraces only

2 Location, size and type of trees to be removed only

3 Percent of slope of drainage swales only

H. General Storm Water Pollution Control Plan Criteria. The plan shall address the following:

Criteria	Multi Lot Development	Single Lot Development
1. Stabilizing all exposed soils and soil stock piles and the related time frame or schedule	Yes	Yes
2. Establishing permanent vegetation and related time frame and schedule	Yes	Yes
3. Preventing sediment damage to adjacent properties and other designated areas such as streams, wetlands, lakes, and unique vegetation (Oak groves, rare and endangered species habitats, etc.)	Yes	Yes ⁴
4. Scheduling for erosion and sediment control practices	Yes	Yes
5. Where permanent and temporary sedimentation basins will be located	Yes	No
6. Engineering the construction and stabilization of steep and very steep slopes	Yes	Yes
7. Measures for controlling the quality and quantity of storm water leaving the site	Yes	No
8. Stabilizing all waterways and outlets	Yes	No
9. Protecting storm sewers from entrance of sediment	Yes	Yes
10. What precautions will be taken to contain sediment, when working in or crossing water bodies	Yes	No
11. Restabilizing utility construction areas as soon as possible	Yes	No
12. Protecting paved roads from sediment and mud brought in from access routes	Yes	Yes
13. The eventual disposing of temporary erosion and sediment control measures	Yes	Yes ⁵
Criteria	Multi Lot Development	Single Lot Development
14. How the temporary and permanent erosion and sediment controls will be maintained	Yes	No
15. The disposal of collected sediment and floating debris	Yes	No

⁴ Impact on adjacent properties only

⁵ Removal of silt fence after stabilization

I. Minimum Storm Water Pollution Control Measures and Related Inspections. These minimum control measures are required where bare soil is exposed. Due to the diversity of individual construction sites, each site will be individually evaluated. Where additional control measures are needed, they will be specified at the discretion of the City Engineer. The City will determine what action is necessary.

- 1) All grading plans and building site surveys must be reviewed by the City for the effectiveness of erosion control measures in the context of site topography and drainage.
- 2) Sediment control measures must be properly installed by the builder before construction activity begins. Such structures may be adjusted during dry weather to accommodate short term activities, such as those allowing the passage of very large vehicles. As soon as this activity is finished or before the next runoff event, the erosion and sediment control structures must be returned to the configuration specified by the City. An inspection of sediment control measures must then be scheduled, and approved by City staff before a footing inspection will be done.
- 3) Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.
- 4) Easements. If a storm water management plan involves directing some or all of the site's runoff, the applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.
- 5) The scheduling of the site's activities to lessen their impact on erosion and sediment creation, so as to minimize the amount of exposed soil.
- 6) Control runoff as follows (either 1 and 2 or 1 and 3):
 - a. Unless precluded by moderate or heavy snow cover (mulching can still occur if a light snow cover is present), stabilize all exposed inactive disturbed soil areas within two hundred (200) feet of any conveyance (curb, gutter, storm sewer inlet, drainage

ditch, etc.) with sod, seed or weed-free mulch. This must be done, if the applicant will not work the area for seven (7) days on slopes greater than three (3) feet horizontal to one (1) foot vertical (3:1), fourteen (14) days on slopes ranging from three to one (3:1) to ten to one (10:1) and twenty-one (21) days for slopes greater than ten to one (10:1).

- b. For disturbed areas greater than one (1) acre, construct temporary or permanent sedimentation basins. Sedimentation basins must have a minimum surface area equal of at least one (1) percent of the area draining to basins, and be constructed in accordance with accepted design specifications including access for operations and maintenance. Basin discharge rates must also be controlled to prevent erosion in the discharge channel.
 - c. For disturbed areas less than five (5) acres, sedimentation basins are encouraged, but not required, unless required by the City Engineer. The applicant shall install erosion and sediment controls at locations directed by the City. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences are required along channel edges to reduce the amount of sediment reaching the channel. Silt fences, rock check dams, etc. must be regularly inspected and maintained.
- 7) Sediment basins related to impervious surface area. Where a project's ultimate development replaces surface vegetation with one (1) or more acres of cumulative impervious surface, and all runoff has not been accounted for in a local unit of government's existing storm water management plan or practice, the runoff must be discharged to a wet sedimentation basin prior to entering waters of the State. At a minimum, the work shall conform with the current version of the Minnesota Pollution Control Agency's publication "Protecting Water Quality in Urban Areas" and the current requirements found in the same agency's NPDESSISDS permits for storm water associated with construction activities.

- 8) Generally, sufficient silt fence buried at least six (6) inches into the soil shall be required to hold all sheet flow runoff generated at an individual site, until it can either infiltrate or seep through silt fence pores.
- 9) Temporary stockpiling of fifty (50) or more cubic yards of excess soil on any lot or other vacant area shall not be allowed without issuance of a grading permit for the earth moving activity in question.
- 10) For soil stockpiles greater than ten (10) cubic yards, the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or storm water inlet. If such stockpiles will be left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps, silt fences or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with silt fences or rock check dams.
 - a. If for any reason a soil or non-soil stock pile of any size is located closer than twenty-five (25) feet from a road, drainage channel or storm water inlet, and will be left for more than seven (7) days, it must be covered with tarps or controlled in some other manner.
 - b. All non-soil (clean sand, gravel, concrete or bituminous) must at a minimum have silt fencing or other effective sediment control measures installed.
- 11) All sand, gravel or other mining operations taking place on the development site shall apply for a Minnesota Pollution Control Agency National Pollutant Discharge Elimination System General Storm Water Permit for industrial activities and all required Minnesota Department of Natural Resources permits.
- 12) Driveways must be installed on all construction sites within twenty-four (24) hours of back filling. Driveways shall be constructed with a minimum depth of six (6) inches of crushed rock and a minimum width of eighteen (18) feet. Driveways shall extend from the curb to the structure. City

staff may authorize other materials that would provide the same access to the structure. If the driveway is not installed within the time period provided, a stop work order will be issued until the driveway is installed.

- 13) Construction dumpsters shall not be located on any surface other than the street or driveways.
- 14) Streets must be cleaned and swept within twenty four (24) hours whenever tracking of sediments occurs and before the site is left idle for weekends and holidays. A regular sweeping schedule should be established. Each violation of this requirement may result in the issuance of ticket by City police.
- 15) Water (impacted by the construction activity) removed from the site by pumping must be treated to remove eighty (80) percent of suspended soils before discharge by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Such water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or a wetland.
- 16) All storm drain inlets must be protected during construction until control measures are in place with either silt fence or an equivalent barrier that meets accepted design criteria, standards and specifications as contained in the latest version of the Minnesota Pollution Control Agency's publication "Protecting Water Quality in Urban Areas" and the most current version of the "Minnesota Storm Water Manual."
- 17) Slopes exceeding thirty-five (35) percent and land within twenty (20) feet of slopes exceeding thirty-five (35) percent shall be left in a natural and undisturbed state.
- 18) Roof drain leaders. All newly constructed and reconstructed buildings must route roof drain leaders to pervious areas (not natural wetlands) where the runoff can infiltrate. The discharge rate shall be controlled so that no erosion occurs in the pervious areas.

- 19) Removal from the project's site of more than one (1) acre of topsoil shall not be done, unless written permission is given by the City Engineer. Excessive removal of topsoil from the project's site can cause significant current and future soil erosion problems.
- 20) Inspection and Maintenance. All storm water pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle (typically eight [8] feet or wider) and personnel access for maintenance purposes and be structurally sound. These facilities must have a plan of operation and maintenance that ensures continued effective removal of the pollutants carried in storm water runoff. The City or its designated representative shall inspect all storm water management facilities during construction, during the first year of operation and at least once every year thereafter. The City will keep all inspection records on file for a period of five (5) years.
 - a. Inspection and Maintenance Easements. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purpose.
 - b. Inspection shall include the following:
 - I. Annual inspection of all structural pollution control devices, such as trap manholes, grit chambers, sumps, floatable skimmers and traps, separators, other small settling or filtering devices, all exposed stockpiles, and storage material handling areas.
 - II. Twenty (20) percent of the MS4 Outfalls, sediment basins and ponds each year on a rotating basis, during the effective period of the permit.
 - III. Based on inspection, determine if repair, replacement or maintenance measures are

necessary for proper operation and to prevent environmental impacts such as erosion.

IV. Record keeping of inspection results, including as appropriate the date, antecedent weather conditions, sediment storage and capacity remaining, and any maintenance performed or recommended. After two years of inspections, if patterns of maintenance become apparent, the frequency of inspections may be adjusted.

V. Annual report summarizing the results of all inspections.

21) Follow up inspections must be performed by the City on a regular basis to ensure that erosion and sediment control measures are properly installed and maintained. In all cases, the inspectors will attempt to work with the applicant and/or builder to maintain proper erosion and sediment control at all sites.

a. In cases where cooperation is withheld, construction stop orders may be issued by the City, until all erosion and sediment control measures meet specifications. A second erosion and sediment control/grading inspection must then be scheduled and passed before the final inspection will be done.

22) All infiltration areas must be inspected to ensure that sediment from ongoing construction activities is not reaching infiltration areas, and that these areas are also being protected from soil compaction from the movement of construction equipment.

J. Permanent Storm Water Pollution Controls.

1) The applicant shall install, construct, or pay the City fees for all permanent storm water management facilities necessary to manage increased runoff, so that the discharge rates from storm water treatment basins, such that the pre-development twenty-four (24) hour, two (2) year, ten (10) year, and one hundred (100) year peak storm discharge rates are not increased. These pre-development rates shall be based on the last ten (10) years of how that land was used.

Accelerated channel erosion must not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or a monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbing and development activities undertaken by one (1) or more persons, including the applicant.

- a. All calculations and information used in determining these peak storm discharge rates shall be submitted along with the storm water pollution control plan.
- 2) The applicant shall consider reducing the need for permanent storm water management facilities by incorporating the use of natural topography and land cover such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of treated (e.g., settled) water without compromising the integrity or quality of the wetland or pond.
 - 3) The following permanent storm water management practices must be investigated in developing the storm water management part of the storm water pollution control plan in the following descending order of preference:
 - a. Protect and preserve as much natural or vegetated area on the site as possible, minimizing impervious surfaces. Direct runoff to vegetated areas rather than to adjoining streets, storm sewers or ditches.
 - b. Flow attenuation of treated storm water by the use of open vegetated swales and natural depressions.
 - c. Storm water wet detention facilities (including percolation facilities).
 - d. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in Section 12.185.I.3 (above) of this Ordinance. The applicant shall provide justification for the method selected.

- K. Minimum Design Standards for Storm Water Wet Detention Facilities. At a minimum, these facilities must conform to the most current technology as reflected in the current version of the Minnesota Pollution Control Agency's publication "Protecting Water Quality in Urban Areas" and the most current version of the "Minnesota Storm Water Manual", and the current requirements found in the same agency's NPDES permits for storm water associated with construction activities.
 - L. Models/Methodologies/Computations. Hydrologic models and design methodologies used for determining runoff characteristics and analyzing storm water management structures must be approved by the City Engineer. Plans, specifications and computations for storm water management facilities submitted for review must be sealed and signed by a registered professional engineer. All computations must appear in the plans submitted for review, unless otherwise approved by the City Engineer.
 - M. Shoreland Protection. All land disturbing activities shall be subject to the applicable standards and requirements found in Section 12.24 of the City Code entitled "Shoreland Management District."
 - N. Floodplain Protection. All land disturbing activities shall be subject to the applicable standards and requirements found in Ordinance No. 282 of the City Code entitled "La Crescent District Floodplain Management Ordinance."
 - O. Engineered Grading Standards. All land disturbing activities shall be subject to the applicable standards and requirements found in Appendix A of Ordinance 421.
5. Review. The City Engineer shall review all multi-lot storm water pollution and erosion control and grading plans. This review must be completed no later than fourteen (14) days of receiving the plan from the applicant. City staff shall review single lot storm water pollution and erosion control and grading plans. City staff may refer such plans to the City Engineer.
- A. Permit Required. If the City determines that the storm water pollution and erosion control and grading plans meet the requirements of this Ordinance, the City shall issue a grading permit valid for a specified period of time that authorizes the land

disturbance activity contingent on the implementation and completion of the storm water pollution control plan and contingent on completion of all items in the approved grading plan.

B. Permit Denial. If the City determines that the storm water pollution and erosion control and grading plans do not meet the requirements of this Ordinance, the City shall not issue a grading permit for the land disturbance activity.

1) All land use and building permits for the site in question must be suspended until the applicant has approved storm water pollution and erosion control and grading plans.

C. Permit Suspension and Revocation. If the storm water pollution and erosion control and grading plans are not being implemented, the City can suspend or revoke the grading permit authorizing the land disturbance activity.

6. Modification of Plan. An approved storm water pollution and erosion control and grading plan may be modified in accordance with the following:

A. Written application for modification must be received by the City. In reviewing such an application, the City Engineer may require additional reports and data.

B. Written approval of modifications must be approved by the MPCA Commission in accordance with the procedures of Minn. R. Ch. 7001. However, the City of La Crescent may modify without MPCA Commission approval provided that a BMP is added and none subtracted from the above plan or a less effective BMP is identified and is replaced with a more effective BMP. The alternative BMP should address the same or similar concerns as the ineffective or failed BMP. The MPCA Commissioner must be notified in the annual report of the modifications.

C. Records Retention. The City shall retain the written records of such modifications for at least three (3) years.

7. Maintenance Agreement.

A. Maintenance Agreement Required. A maintenance agreement may be required for storm water management, sediment control, and

erosion control practices between the City of La Crescent and a responsible party. The agreement shall provide for maintenance of approved storm water, sediment control, and erosion control practices during construction and until the entire site has reached final stabilization, which may extend beyond the duration period of any permits for land disturbing activities issued by the City. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management, sediment control and erosion control practices.

B. Maintenance Agreement Content. The maintenance agreement shall contain the following information and provisions and be consistent with the approved site control plan:

- 1) Identification of the storm water, sediment control, and erosion control facilities and designation of the drainage area served by the facilities.
- 2) A schedule for regular maintenance of each aspect of the storm sewer management, sediment control, and erosion control systems consistent with the approved site control plan.
- 3) Identification of the responsible party(s), organization or city, county, or town responsible for long term maintenance of the storm water management, sediment control, and erosion control practices identified in the approved site control plan.
- 4) Requirement that the responsible party(s), organization, or city, county, or town shall maintain storm water management, sediment control, and erosion control practices in accordance with the schedule included in Section 12.185.7.B.2 of this Ordinance.
- 5) Authorization for the City of La Crescent to access the property to conduct inspections of storm water management, sediment control, and erosion control practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
- 6) The City of La Crescent shall maintain public records of the

results of the site inspections, inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management, sediment control, and erosion control practices into proper working condition.

- 7) Agreement that the party designated under Section 12.185.7.B.3 of this Ordinance, as responsible for long term maintenance of the storm water management, sediment control, and erosion practices shall be notified by the City of La Crescent of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the City of La Crescent.
- 8) Authorization of the City of La Crescent to perform the corrected actions identified in the inspection report if the responsible party designated under Section 12.185.7.B.3 of this Ordinance does not make the required corrections in the specified time period. The City of La Crescent shall enter the amount due on the tax rolls and collect the money as a special assessment against the property pursuant to Minnesota State Statutes.
- 9) There shall be a statement obligating the developer to grant a deed for the pond outlot(s) to the City after final stabilization of the site has been approved by the City in the development agreement.

8. Financial Security.

A. Amount of Financial Security.

- 1) Multi-Lot Developers. The applicant shall provide a financial security for the performance of the work described and delineated on the approved storm water pollution and erosion control and grading plans and any storm water pollution and erosion control and grading plan related remedial work at a rate of three thousand dollars (\$3,000) per acre for the maximum acreage of soil that will be simultaneously exposed to erosion during the project's construction. (See the definitions of "exposed soil area" and "final stabilization" for clarification.) This security must be

available prior to commencing the project.

- 2) Single Lot Builders. Where individual lots are sold to a builder that is different from the developer, additional financial security for the performance of the work described and delineated on the approved grading plan for the lot(s) in question must be submitted by the builder. The amount of the financial security shall be determined as follows:

Over 1 acre	\$3,000
From $\frac{3}{4}$ to 1 acre	\$2,000
From $\frac{1}{2}$ to $\frac{3}{4}$ acre	\$1,500
From $\frac{1}{4}$ to $\frac{1}{2}$ acre	\$1,000
From $\frac{1}{8}$ to $\frac{1}{4}$ acre	\$750
Less than $\frac{1}{8}$ acre	\$500

This deposit will be for the maximum area that will be simultaneously exposed to erosion during the construction on the lot in question. (See the definitions of "exposed soil area" and "final stabilization" for clarification.) This security must be available prior to commencing the project.

- 3) The City may request a greater financial security, if the City considers that the development site is especially prone to erosion, or the resource to be protected is especially valuable.
- 4) If more soil is simultaneously exposed to erosion than originally planned, the amount of the security shall increase in relation to this additional exposure.

B. Form of Financial Security. The form of the security must be money, certified bank check, an irrevocable letter of credit, negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one (1) or more financial institutions, subject to regulation by the State and Federal government wherein said financial institution pledges that the funds are on deposit and guaranteed for payment. This security shall save the City free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement of storage of rock, sand, gravel, soil or other like material within the City. The type of security must be of a type acceptable to the City.

C. Maintaining the Financial Security. If at any time during the course of the work, this amount falls below fifty (50) percent of the required deposit, the applicant shall make another deposit in the amount necessary to restore the deposit to the required amount within ten (10) days. Otherwise the City may:

- 1) Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
- 2) Revoke any permit issued by the City to the applicant for the site in questions.

D. Proportional Reduction of the Financial Security. On projects where the initial required financial security exceeds ten thousand dollars (\$10,000), the City can reduce the total required amount of the financial security by one-third ($1/3$), when more than one-third ($1/3$) of the applicant's maximum exposed soil area achieves final stabilization, if recommended in writing by the City Engineer. When more than two-thirds ($2/3$) of the applicant's maximum exposed soil area achieves final stabilization, the City can reduce the total required amount of the financial security to two-thirds ($2/3$) of the initial amount, if recommended in writing by the City Engineer.

E. Action Against the Financial Security. The City may act against the financial security, if any of the conditions listed below exist. The City shall use funds from this security to finance any corrective or remedial work undertaken by the City or a contractor under contract to the City and to reimburse the City for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

- 1) The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the City approved grading plan.
- 2) The applicant fails to conform to any City approved grading plan and/or the storm water pollution control plan as approved by the City, or related supplementary instructions.
- 3) The techniques utilized under the storm water pollution control plan fail within one (1) year of installation.

4) The applicant fails to reimburse the City for corrective action taken under Section 8.

5) Emergency action under either part 7.4 or any part of Section 8.

F. Emergency Action. If circumstances exist such that non-compliance with this Ordinance poses an immediate danger to the public health, safety and welfare, as determined by the City Engineer, the City may take emergency preventative action. The City shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the City may be recovered from the applicant's financial security.

G. Returning the Financial Security. Any unspent amount of the financial security deposited with the City for faithful performance of the storm water pollution control plan and any storm water and pollution control plan related remedial work must be released not more than one (1) full year after the completion of the installation of all such measures, the establishment of final stabilization, and the issuance of a Certificate of Occupancy.

9. Enforcement.

A. Notification by the City. The City shall notify the party or parties listed on the application and/or the storm water pollution control and grading plans as contacts when there is a violation of the provisions of this Title or when there is a failure of the storm water pollution and erosion control measures. Except during an emergency action under Section 8.0F twenty-four (24) hours after notification by the City of forty-eight (48) hours after the failure of erosion control measures, whichever is less, the City at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the City has been unable to establish contact, the City may proceed with the corrective work.

1) There are conditions when time is of the essence in controlling erosion. During such a condition, the City may take immediate action, and then notify the applicant as soon as possible.

- B. Erosion Off Site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a clean up and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the clean up and restoration plan within twenty-four (24) hours. If in the discretion of the City, the applicant does not repair the damage caused by the erosion, the City may do the remedial work required and charge the cost to the applicant.
- C. Erosion Into Streets, Wetlands or Water Bodies. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, clean up and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the clean up operations.
- D. Failure to Do Corrective Work. When an applicant fails to conform to any provision of this Section 9 within the time stipulated, the City may take the following actions:
- 1) Withhold the issuance of building permits, scheduling of inspections and/or the issuance of a Certificate of Occupancy.
 - 2) Suspend or revoke any permit issued by the City to the applicant for the site in question.
 - 3) Direct the correction of the deficiency by City forces or by a separate contract. The issuance of a permit for land disturbance activity constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correcting erosion control deficiencies.
 - 4) All costs incurred by the City in correcting storm water pollution control deficiencies must be reimbursed by the applicant. If payment is not made within thirty (30) days after costs are incurred by the City, payment will be made from the applicant's financial securities as described in Section 7.
 - 5) If there is an insufficient financial amount in the applicant's financial securities as described in Section 7, to cover the costs incurred by the City, then the City may assess the remaining amount against the property. As a condition of the permit for land disturbance activities, the owner shall

waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of the assessment.

- 6) Any person, firm, or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. Each day that a separate violation exists shall constitute a separate offense.

10. Variance. In any case where, upon application of the responsible person or persons, the City finds that by reason of exceptional circumstances, strict conformity with this Ordinance would be unreasonable, impractical, or not feasible under the circumstances; the City in its discretion may grant a variance in accordance with the criteria and procedures founding Section 12.08 of this Chapter. The variance must be specific, and must not affect other approved provisions of the storm water pollution and erosion control plan.

The following must be shown by the applicant:

- A. Variance request shall be in writing and include the reason for requesting the variance
- B. Economic hardship is not sufficient reason for granting a variance and,
- C. The City shall respond to the variance request in writing and include justification for granting or denying the request.

11. Right-of-Entry and Inspection.

- A. Powers. The applicant shall promptly allow the City and their authorized representatives, upon presentation of credentials, to:
 - 1) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys.
 - 2) Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.

- 3) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.
 - 4) Inspect the storm water pollution control measures.
 - 5) Sample and monitor any items or activities pertaining to storm water pollution control measures.
 - 6) Any temporary or permanent obstruction to the safe and easy access of such an inspection shall be promptly removed upon the inspector's request. The cost of providing such access shall be borne by the applicant.
12. Abrogation and Greater Restrictions. It is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
13. Severability. The provisions of this Ordinance are severable, and if any provisions of this Ordinance, or application of any provision of this Ordinance to any circumstance, if held invalid, the applicant of such provision to other circumstances, and the remainder of this Ordinance must not be affected thereby.

SECTION III. Chapter 15 of the La Crescent City Code is hereby amended consistent with the provisions of this ordinance, repealing the provisions thereof inconsistent herewith.

These provisions shall become effective from and after due passage and enactment and publication, according to law.

ADOPTED this 9th day of February 2009.

SIGNED:

/s/ Mikel Poellinger

Mayor

ATTEST:

/s/ Phyllis Feiock

Deputy Clerk